REMARKS

The Examiner's action and the rejection of claims 1-4 as unpatentable over Tamer et al in view of Young (U.S. 2003/0159147 A1) under 35 USC 103(a) have been carefully considered and the application has been amended accordingly. Specifically, independent claim 1 has been amended to recite that the entitlement management message comprises a directly readable, intelligible descriptor, **plain text** message that provides immediate access to the selected program. In this connection, applicant wishes to thank the Examiner and his supervisor for the courtesy of the telephone interview conducted with applicant's representative on March 3, 2009 during which the addition of the language "plain text" was discussed.

Claims 1, as amended, now recites the unique feature of an entitlement management message specific to an impulse purchase that is exclusively contained in data tied to presentation of a program listing and which comprises a directly readable, intelligible descriptor, plain text message that, advantageously, provides immediate access to a selected program. The invention of claim 1 solves the problem of delays introduced by transmitting separate IEMMs, by transmitting in data S1 the program grid Data along with the IEMM, wherein "the entitlement management message specific to the impulse purchase is . . . a directly readable, intelligible descriptor, plain text message that provides immediate access to the selected program." (Emphasis supplied)

By contrast, Tamer et al. discloses transmitting in data packet D4 program grid Data along with an Entitlement Control Message (ECM) or Entitlement Management Message (EMM) having in a header thereof a conditional access code that must be passed through a filter to authorize a pay per view purchase. Thus, Tamer et al.'s requirement for a conditional access code that must be filtered and decoded is not a directly readable, intelligible descriptor, plain text message which, advantageously, provides immediate access to a selected program, as required by amended independent claim 1. Moreover, the header and e-code decoder 30 required by Tamer et al would not, according to the present invention, be required for interpreting the entitlement management message specific to the impulse purchase. Nor does the secondary citation of Young make Tamer et al any more relevant.

Young is cited specifically and solely for teaching a display device for presentation to a user a listing of programs, and not for any teaching of a directly readable, intelligible descriptor, plain text message. See, Office Action at paragraph 3, page 3. In view of Tamer et al's teaching of the use of a conditional access code in the header of the message, which must be filtered to authorize a pay per view purchase, which effectively teaches away from applicant's directly readable, intelligible descriptor, plain text message, it would not have been obvious to one of ordinary skill in the art to modify Tamer et al to include such a directly readable message.

Inasmuch as Tamer et al. fails to disclose, teach or suggest the invention of independent claim 1, as amended, and since young is not relevant to the inventive aspects of claim 1, that claim is allowable over the art of record. The dependent claims 2-4 are also allowable over Tamer et al. in view of Young on their own merits and for at least the reasons set forth above with respect to independent claim 1.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect directed to claims 1-4 is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

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